



Technical Assistance Services
for Communities
EPA Region 6 Environmental Justice Forum
Draft Summary

Contract No.: **EP-W-13-015**
Task Order No.: **17**
Technical Directive No.: **R6 EJForum**

June 12-13, 2018
EPA Region 6 Environmental Justice Forum Summary

The U.S. Environmental Protection Agency (EPA) Region 6 hosted the EPA Region 6 Environmental Justice Forum on June 12-13, 2018, in Dallas, Texas. The Forum brought together federal, state and local agencies, community organizations, and other stakeholders from across the EPA Region and beyond. The purpose of the Forum was to advance collaborative efforts made by EPA Region 6, state, tribal and local partners working together with regulated entities and communities to improve air, land and water where people work, live and play. This summary briefly describes forum activities and summarizes presentations, panels and related discussions, emphasizing issues and concerns raised.

Welcome and Remarks (Day 1)

Arturo Blanco, Director, Office of Environmental Justice, Tribal and International Affairs, EPA Region 6, welcomed participants and introduced EPA Region 6 Administrator Anne Idsal. Administrator Idsal emphasized that the Forum is about working together collectively and finding creative ways to address problems. She added that, by the end of the Forum, she hoped everyone will feel encouraged to continue working on collaborative efforts to address environmental justice concerns. Mr. Blanco then introduced the EPA Region 6 Environmental Justice Team. Forum facilitator Vernice Miller-Travis introduced EPA Region 6 Deputy Regional Administrator David Gray and encouraged participants to speak with him as well if they had things to share. The forum facilitator then briefly introduced EPA Senior Policy Advisor for Environmental Justice Charles Lee, who came from EPA Headquarters to participate in the Forum.

Descriptions of the Day 1 panel presentations are provided below.

Success in the Making: The Arkansas Department of Environmental Quality and the City of Blytheville

Tressa Tillman, EPA Region 6 Environmental Justice Liaison for the States of Arkansas and Oklahoma, introduced panelists Demetria Kimbrough, Enforcement/Asbestos Branch Manager for the Arkansas Department of Environmental Quality (ADEQ) and James Sanders, Mayor of

Blytheville, Arkansas. Ms. Kimbrough explained that older communities may face challenges from legacy properties containing condemned and vacant structures. Many of these older structures contain asbestos. ADEQ has programs in place to help communities address asbestos in structures. The problem with condemned and dilapidated housing in Blytheville is particularly acute, due to the possibility of asbestos. Since the local government was unsure how to address the problem, the locality reached out to ADEQ. ADEQ's approach in working with the City of Blytheville was to inform the mayor of possible solutions, train city workers as asbestos inspectors, and reduce the number of condemned and dilapidated houses through ADEQ's nuisance abatement policy clarification or through structural demolition.

Mayor Sanders explained that, in establishing the program, communication was first, followed by critical thinking. He added that "we had to decide what our objectives were and the result we wanted." A related part of the locality's efforts to address condemned and dilapidated structures was to create a local Nuisance Abatement Board. Community residents were invited to serve on the Board.

Discussion

- *Question:* Why not train the property owners? *Answer (Mayor Sanders):* Our obligation is to the people of the community. Not cleaning up dilapidated properties containing asbestos creates a problem that affects the entire neighborhood.
- *Comment (facilitator):* There may have been a history of complaints about lack of enforcement related to condemned or dilapidated housing in the affected communities in Blytheville.
- *Comment (Mayor Sanders):* The homes being torn down are not currently being lived in.
- *Question:* One of the main parts of your program is communication – was that part of your plan? *Answer (Mayor Sanders):* Yes, that was impetus for the Nuisance Abatement Board.
- *Question:* Are you going into the community to seek their support? *Answer (Mayor Sanders):* We are partnering with people in the community who are frustrated with the situation. They are telling us about properties that are vacant and deteriorating. Two citizens from each of the wards sit on the Nuisance Abatement Board. The Board may send letters to property owners to remediate their properties. If there is no communication from the property owner, the issue falls back to the City. The way we collect back taxes on these properties is we place liens on the properties.
- *Question:* Is there any type of program that you have that encourages reinvestment? *Answer (Mayor Sanders):* We have our "Rebuild and Renew" program through the Chamber of Commerce. They are giving new purpose to those properties and involving our businesses. Their energy is geared toward rebuilding demolished and dilapidated homes in their neighborhoods. If the property transfers to the City, it goes into a land bank. As part of the land bank, we have a rule saying that you must show some improvement to your property within six months to keep the property. Before homes are torn down, we must evaluate a structure's historic preservation status and whether funding is available for assistance. But the homes we are talking about are in underserved areas.

- *Question:* How are you disposing of the asbestos? *Answer (Mayor Sanders and Demetria Kimbrough, ADEQ):* It is one of the reasons we contacted ADEQ. There are certified people that take care of this. The state has certain approved landfills that take asbestos. The state also has inspectors that regulate the landfills, so they must dispose of the asbestos properly.
- *Question:* The EPA Administrator recently announced a change in the regulation of asbestos, indicating that EPA will not clean up asbestos sites or heavily regulate them in the future; who will take care of that regulation? *Answer (Demetria Kimbrough, ADEQ):* From the state's perspective, we are going to continue doing what we are doing, helping to assist communities, until we get to that point.
- *Comment (facilitator):* We are at a national moment where energy around environmental regulation and enforcement is shifting to the states and it is these types of collaborations that we are discussing today and tomorrow that will address these issues.
- EPA Region 6 Administrator Idsal discussed EPA's proposed significant new use rule (SNUR) for certain uses of asbestos (including asbestos-containing goods) that would require manufacturers and importers to receive EPA approval before starting or resuming manufacturing and importing or processing of asbestos.
- *Question:* Do you know the history of the steel mill? Do you know why they are moving from up north? Because they negatively affected a lot of places up north with contamination.
- *Question:* About the Nuisance Abatement Board, I wonder who is on the Board you are talking about – the 26 percent of people living in poverty do not get a thing. There are a lot of children that do not know anything; I want to make sure they know something. *Answer (Mayor Sanders):* There are college programs intended to assist young people living in Mississippi County, such as the Arkansas Northeastern College Great River Promise program.
- Final points shared by the forum facilitator:
 - Problem-solving is something we all want to see happen.
 - Today's blighted community will become tomorrow's hot property – can those long-term residents afford to live there in the future?
 - What happens when the heirs do not have an emotional connection to the land? Part of this is educating people about holding on to what they inherit.
 - The steel mill is coming. Pittsburgh no longer has steel mills; instead, the area's industrial economy changed into an informational economy. Unlike the steel mills of the past, we now know that industrial development can be done sustainably.

Collaborative Efforts to Address the Tar Creek (Ottawa County) Superfund Site

Tressa Tillman introduced panelists Trevor Hammons, Environmental Attorney Supervisor - Environmental Complaints and Local Services Division, Oklahoma Department of Environmental Quality (ODEQ); Tim Kent, Environmental Director, Quapaw Tribe; and Rebecca Jim, Executive Director, Local Environmental Action Demanded (L.E.A.D.) Agency.

Mr. Hammons began his presentation by providing a history of indigenous peoples in Oklahoma beginning in the 1800s, its tribes and the complexities associated with the regulation of the Tar Creek (Ottawa County) Superfund site. He explained there are no formal tribal reservations in

Oklahoma, only formal jurisdictions. A tribe's location in the state affects how the tribe's land is managed. He explained that the Tar Creek site is the largest Superfund site in the United States. A large amount of zinc and lead mining took place beginning in World War I within the boundaries of the Quapaw Tribe in northeast Oklahoma, which is part of a larger area known as the Tri-State Mining District. Mining continued at the site until about 1970. Chat is the waste material dug out during active mining. There are chat piles over 200 feet high and old mining sites that still contain open mine shafts. Chat was used to help make roads in the area. In 1979, people started noticing acid mine recharge (full of lead, cadmium and zinc). The site was added to EPA's National Priorities List in 1981. There are four main parts of the site's cleanup: operable unit 1 (OU1) – acid mine drainage, OU2 – contaminated soils, OU3 – Eagle Pitcher office complex, and OU4 – chat piles.

Mr. Hammons added that a 1994 study found that 35 percent of Indian children in the Tar Creek area had blood lead concentrations exceeding 10 micrograms per deciliter. The Lead Impacted Communities Relocation Assistance Trust assisted in community relocations. Under the Superfund law, a federally recognized Indian tribe can sue for natural and cultural resource damages, but the tribe must prove the damages. The Quapaw Tribe is reluctant to share cultural information when claiming cultural resource damages. The federal government is a trustee for Quapaw land but is also a potentially responsible party (PRP) for the site's contamination and cleanup.

Mr. Kent provided a more in-depth look at the Tar Creek site and involvement of the Quapaw Tribe in the site's cleanup. He explained that the Quapaw Tribe got its first cooperative agreement grant in 2002 to participate in the Tar Creek Superfund cleanup process. EPA approved the Tribe's first remedial action, which began in 2013. Since 2014, the Quapaw Tribe has removed nearly two million tons of mine waste from tribal and private land. EPA also provides support to the Tribe in identifying and protecting culturally significant features and artifacts during remedial actions. The Chat Rule promulgated by EPA allows tribal chat sales to occur as part of the cleanup of OU4, allowing tribal members to benefit from beneficial reuse of chat through sales as non-tribal companies.

Ms. Jim provided a closer look at the issues and challenges the site presents for human health and the environment, and the many steps taken to draw attention to the site and sustain its cleanup. The L.E.A.D. Agency, organized in 1997, advocates for fishable, drinkable water. The OU2 area now extends to the entire county. As a result, every resident is eligible to have their yards cleaned. Only 30 to 40 yards are being cleaned up per year, however. There are likely 8,000 other yards that need to be tested, but it is a voluntary program. Because of outreach, however, lots of children now know that they can go home and ask to get their yards cleaned. The Annual Tar Creek Conference is taking place September 25-26, 2018, in Miami, Oklahoma, at A&M College.

Discussion

- *Comments:* We are dealing with a lack of information. Unless we can address this lack of information, it makes your job impossible. *Answer (Trevor Hammons, ODEQ):* I think we know what is at the Tar Creek site – I know for some industries you may not know all

the contaminants involved, but at Tar Creek, it is lead, cadmium and zinc. *Answer (Tim Kent, Quapaw Tribe):* The Superfund is running out of money. Because of this, PRPs can really drive the Superfund process. *Answer (Rebecca Jim, L.E.A.D. Agency):* We are asking for polluter pays. She stressed that, “we want you to put that in. We want your help on this.”

- *Question:* As far as the Quapaw Tribe, how did you determine what was the best remedy for the sinkholes/Quapaw area? *Answer (Tim Kent, Quapaw Tribe):* Ultimately, we had to find what would give us the most bang for the buck.
- *Question about drinking water. Answer (Hammons/ODEQ):* OU1 addresses surface water and groundwater. Most municipalities get their drinking water from the deeper aquifer and until now, it was safe and unaffected by mine water. However, more recently, there is evidence of changes in chemistry suggesting the deeper aquifer is being affected. A big concern in small towns in Oklahoma is the water infrastructure – particularly lead in pipes.
- *Question:* Have you ever done a cumulative look at the effects of exposure to multiple heavy metals? *Answer (Rebecca Jim, L.E.A.D. Agency):* Yes, our Harvard Health Study is looking into this. There are increased effects.
- *Comment (Trevor Hammons, ODEQ):* There are people that subsistence fish in the Tar Creek area and streams nearby. EPA has told people not to fish at the upper end of the Grand Lake o’ the Cherokees because of mercury contamination.
- *Question:* How did the 2008 tornado relate to the buyouts? *Answer (Rebecca Jim, L.E.A.D. Agency):* There were two Superfund buyouts for Picher and Cardin when we still had money in the Superfund. The second buyout was mid-way, when the tornado came through, but the other thing that happened was that people were told the tornado was an act of God. Insurers stopped paying out and people thought they should leave.
- *Comment:* I am Yolanda Blue-Horse and participate in the Society of Native Nations. Here we are in Texas and I hear the word tribal liaison, but I do not see that liaison in Texas and we have been involved in tribal environmental rallies. I hope you reach out to more indigenous people. I am also talking about reaching out to indigenous groups on the border too. Lastly, we as indigenous people have the smallest voice; we need the largest platform because of this.
- *Comment:* I am a citizen from South Valley in New Mexico. In New Mexico, it is difficult to get cooperation from our governing bodies. In our community, people with a Spanish surname can find it difficult to get traction about their concerns.
- *Question about employing people in the cleanup. Answer (Rebecca Jim, L.E.A.D. Agency):* We have had some people trained under EPA’s Superfund Job Training Initiative. We would like to have more people trained. We were also able to receive one of EPA’s Environmental Justice Small Grants.

Welcome and Remarks (Day 2)

Forum facilitator Vernice Miller-Travis welcomed everyone back. Charles Lee, EPA Senior Policy Advisor for Environmental Justice, then made a few remarks. He noted that communities are at the heart of cooperative federalism, where communities working together with federal, state, local and tribal governments will be more important. He also commented that EPA’s Office of Environmental Justice (OEJ) is focused on lead. He also noted that the future of the

National Environmental Justice Advisory Council (NEJAC) is moving forward in a positive way, with its next meeting scheduled to be held in Boston, Massachusetts. He also noted that EPA Region 1 has a new Regional Administrator who used to head the Environmental Council of the States. This will allow EPA, environmental justice communities and the NEJAC to be in a good position to engage states. The forum facilitator then mentioned that a group not represented at the Forum is philanthropy. More people could attend if there was additional philanthropic support. Large environmental groups are successfully raising money but not so grassroots and environmental justice groups, which limits their ability to expand their capacities.

Descriptions of the Day 2 panel presentations are provided below.

The Merger of Small Water Systems in Rural New Mexico

Debra Tellez, EPA Region 6 Environmental Justice Liaison for the State of New Mexico and the U.S./Mexico Border, introduced panelists Kathryn Becker, Assistant General Counsel, New Mexico Environment Department (NMED); Steven Deal, Engineer, Construction Program Bureau, NMED; Karen Nichols, Project Manager, Lower Rio Grande Public Water Works Authority (LRGPWWA); and Bobbie Boyer, current member of the LRGPWWA board and member of an original water system that consolidated. The participants discussed the history, impetus, challenges, benefits and lessons associated with the merger of small water systems in southern New Mexico.

Ms. Becker kicked off the panel. Ms. Boyer then provided a brief history of water issues facing small communities in southern New Mexico, first in the African American community of Blackdom and then the community of Vado. She explained that her community did not have the beautiful water system that the community of Vado has today. At one point, families had to haul their water in from a cotton gin. She explained that, after moving away from Vado and then returning, efforts began to start a public water system.

Ms. Nichols explained that area residents interested in a merger thought they could work with Vado and other small local water systems. The impetus for the merger centered on the difficulty of running a water system through volunteer staffing.

Ms. Nichols noted that the New Mexico Municipal League initially resisted the merger. One of the most contentious related issues was trying to define a legally definable service area, which can keep small communities from growing. The New Mexico Municipal League eventually understood that the merger was not seeking to get a huge swath of land but was instead focused on consolidating where people were served by several smaller systems. There was also opposition from the well-drillers association that had to be addressed. The state legislative bill approving the merger was signed on April 6, 2009.

Mr. Deal explained that key things the merger communities had to resolve included agreeing to co-mingle water rights and getting their service area approved. Establishing the service area was noteworthy since municipal domestic water systems do not typically set service areas. The merger communities then had to create a plat map of their service area and register it with the county. Other concerns that had to be addressed included potential contaminants in the water

supply related to septic tanks, cesspools and naturally occurring conditions, wells built in flood zones, and ensuring sufficient pressure zones to supply water for firefighting.

Ms. Nichols explained that once the merger was approved, the LRGPWWA became a political subdivision of the state and therefore had to comply with the federal regulations.

Ms. Nichols and Ms. Becker explained that the Rural Community Assistance Corporation (RCAC) played a key role in the merger. RCAC works in western states providing technical assistance to communities to provide water and waste water services, including providing bridge loans for water projects. RCAC is affiliated with the U.S. Department of Agriculture (USDA) and contracted with NMED. An RCAC video on the merger is available [[HYPERLINK "https://www.rcac.org/videos/lower-rio-grande-public-water-works-authority/"](https://www.rcac.org/videos/lower-rio-grande-public-water-works-authority/)].

Ms. Nichols explained that, in the early stages of the merger, “we wanted to keep the sense of community ownership, but to do that we had to set up voting districts and maps, which involved identifying every property owner receiving water within our service district.” She added that English and Spanish are the primary languages of residents and “once we got an interpreter for meetings, we got a lot more participation.”

Ms. Boyer added that “when we merged, the community’s water rates were cut in half.”

Discussion

- *Question:* Why did you not include communities near White Sands, New Mexico, as part of the regionalization? *Answer (Karen Nichols, LRGPWWA):* Most of our system is south of Las Cruces.
- *Question:* If White Sands were part of that would there be federal funding for that? *Answer (Steven Deal, NMED):* Our funding sources are usually state sources and USDA Rural Development and state revolving loan funds (EPA funding). White Sands communities would likely get water from Alamogordo, Holloman Air Force Base, etc.
- *Question:* Concerning pumping from the El Capitan Aquifer in Texas. Have you had any oil and gas producers coming to say we want to buy water from you for pumping? *Answer (Karen Nichols, LRGPWWA):* In our area, we have not been approached – that is happening in the eastern part of the state.
- *Question:* Do you have a policy in advance in case you do get approached? *Answer (Karen Nichols, LRGPWWA):* We have a bulk water purchase policy but not for oil and gas operations. There is some pumping in northwest Texas that may be used in New Mexico, but this would be dealt with through the New Mexico State Land Office.
- *Comment concerning arsenic.* *Answer (Karen Nichols, LRGPWWA):* Naturally occurring arsenic was an issue at Desert Sands. To address this, ultimately, we used a standard treatment approach (coagulation).
- *Comment:* Organizing in communities with language issues is essential for building capacity.
- *Comment:* RCAC is now working on water systems with communities in northern New Mexico.

Community Overviews (Three Parts)

Agatha Benjamin, EPA Region 6 EJ/NEPA/EJScreen Coordinator, introduced the community and local presenters Wilma Subra, Technical Advisor, Louisiana Environmental Action Network (LEAN); Stacey Walters, Regulatory Environmental Administrator, City of Fort Worth - Water Department; and Kelly Haragan, Clinical Professor and Director of the Environmental Clinic, The University of Texas at Austin, School of Law.

Part 1: Benefits of Air Monitoring in Environmental Justice Communities

Ms. Subra discussed air monitoring programs in environmental justice communities and how the information on air contaminants and associated health conditions associated with exposure to chemicals has allowed the environmental justice communities to work with federal, state and local governmental agencies and the industries to address their situations and reduce their exposure. She explained that, through air monitoring, communities can determine which facilities are producing odors of concerns. She presented several examples of air monitoring in communities.

Discussion

- *Question:* How do you go about figuring out which communities you are going to work in? Our community is calling every day and we never hear from anybody. These plants are in all the old historic neighborhoods. What else can we do? *Answer (Wilma Subra, LEAN):* In the Alexandria-Pineville area, there are several facilities that include creosote and pentachlorophenol – a byproduct of that is dioxin – it was selected as an EPA Making a Visible Difference community. EPA did the sampling.
- *Follow-up comment:* You have 60 children that are special needs. The school district said shelter in place. EPA got on them about the testing. Now they want to send them to another school and the other school is just as poisoned as the other one.
- *Follow-up comment (facilitator):* This seems to be one of those scenarios where it is important to have a sidebar, deeper conversation with EPA, the Louisiana Department of Environmental Quality (LDEQ) and the community.
- *Question:* Did you interview any of the parents of the children? *Answer (Wilma Subra, LEAN):* We educate parents and kids and we have done three separate health studies. There are also lawsuits. We try to get information on how many children come to schools with nebulizers. This facility is the economic engine for the community. The discussion has been to close that school. We have been pushing to get those students out of that school. The community is working on this every day.
- *Comment:* I live in a Freedman's town community with heavy industry. We did not have air monitoring and we were told it is okay to breath in asphalt fumes. But we will be receiving our first air monitor in the next few weeks.

Part 2: Fort Worth – Getting the Lead Out

Ms. Walters provided an overview of Fort Worth's Lead Replacement Program. The program includes documenting the inventory with lead pipe service lines on the private and public side for

more than 255,000 customer meters (commercial and residential), determining how replacement of lead service lines are scheduled in the system (i.e., routine maintenance, capital improvement plans), and how the utility actively and transparently communicates with customers about lead risks.

Discussion

- *What was the impetus for the Fort Worth's lead project? Answer (Stacey Walters, City of Fort Worth):* When Flint happened, we knew we needed to do more in our own city. We meet with our public health department every six months. We do not have access to individual health care files. Most health care facilities have surveillance programs, so if a child comes up high in their blood lead testing, they get put into the monitoring program. When you talk about someone's baby, that is sensitive, so we partnered with the health department to help communicate. You do not want to get to know your health care provider only in a time of crisis.
- *Question: How were the school districts chosen for lead line replacement? Answer (Stacey Walters, City of Fort Worth):* I think they looked at it based upon the usage and the age of the school. The newer schools did not have lead pipes; older schools did. The schools went through a flushing program instead of filtering. One of the things they did was to have the water move through the lines. We made all water test results public and transparent.
- *Question: Is there any prioritization by EPA to fund sampling in school districts region-wide?*
- *Comment:* My last comment is also about transparency. I did not see that language about lead screening and water testing in the Spanish language newspaper that is popular in the area.

Part 3: Opportunities to Address Historic Environmental Injustice: Lessons from the Corpus Christi Harbor Bridge Settlement

Ms. Haragan discussed the Harbor Bridge civil rights settlement, the factors that led to the settlement and lessons learned. She explained that, in 2011, efforts to replace Harbor Bridge started again. The Port of Corpus Christi wanted a higher bridge to allow bigger ships to enter its port. The route selected by the Texas Department of Transportation (TxDOT) would lead directly through overburdened African American communities. Her legal clinic got involved through the National Environmental Policy Act (NEPA) process, filing comments and raising environmental justice issues as part of that. Her group also filed a Title VI complaint under the 1964 Civil Rights Act against the U.S. Department of Transportation (USDOT), the federal funding agency, in March 2015. The complaint was accepted. By December 2015, a settlement was in place.

She explained that USDOT Secretary Foxx was receptive to this complaint. There were meetings between USDOT and TxDOT as well as a lot of communication between different federal agencies. A central factor leading to the settlement is that USDOT said this project would be on hold, the Record of Decision would not be signed until they completed the civil rights investigation, and if they found discrimination, the project would have to be built somewhere

else or its impact mitigated. However, construction of the bridge was important to the Port of Corpus Christi and they wanted to work out a settlement.

At the same time, a community group formed specifically to address the bridge replacement. The group was intentionally transparent about its settlement goals. These included getting market value relocation funds to move to a similarly valued house or, for renters, the difference in rent to cover the additional cost of renting elsewhere for three years. It also included funds to relocate businesses and churches. Not everyone in the neighborhood wanted to relocate but things got to the point that everyone agreed that every impacted household should have a chance to relocate if they wanted to. There will also be improvements to parks, an oral history project to collect the history of neighborhood and the relocation of a historic mural. The strength of the community group was key. However, the settlement would never have worked had USDOT not embraced the full scope of its authority.

Discussion

- *Comment (Charles Lee, EPA):* An important part of this outcome was the effort by people in federal agencies to respond.

Hurricane Harvey – The State and Federal Environmental Response and Community Perspective

Omari Burrell, EPA Region 6 Environmental Justice Liaison for the State of Texas, introduced panelists Kelly Cook, Division Director, Critical Infrastructure Division, Texas Commission on Environmental Quality (TCEQ); Ramiro Garcia, Jr., Deputy Director, Office of Compliance Enforcement, TCEQ; Ronnie Crossland, Chief, EPA Region 6 Emergency Management Branch; Gloria Vaughn, Associate Director for Environmental Justice, Office of Environmental Justice, Tribal and International Affairs, EPA Region 6; and Hilton Kelley, Director, Community In Power and Development Association (CIDA). Mr. Garcia, Mr. Cook and Mr. Crossland presented the state and federal perspective on the response to Hurricane Harvey (Harvey). Ms. Vaughn discussed EPA's coordination with local environmental justice contacts during the event. Mr. Kelly presented the community perspective.

Mr. Garcia explained that the biggest challenge with Harvey was getting into affected areas to help. He added that his organization is always looking for lessons learned. He hopes there is no need to apply the lessons from Harvey soon, but his agency will be ready to apply them if needed.

Mr. Cook explained that coordination through the National Disaster Operational Work Group (NDOW), of which both EPA and TCEQ are members, has been the root of TCEQ's success in responding to disasters. The work group provides a way to combine resources and avoid duplicating efforts. He explained several key parts of TCEQ's disaster response. He added that, during Harvey, some air quality monitoring stations had to come down to avoid damage. They were put back up as soon as possible. None showed significant releases.

Mr. Crossland explained that EPA responds to disasters under the Stafford Act. He added that, when EPA is tasked, EPA brings the right people, established relationships and the right equipment to the response.

Ms. Vaughn explained that, during the first week of the disaster, Environmental Justice Liaison Paula Flores-Gregg and she were embedded in emergency response centers in Beaumont and Port Arthur, Texas. They provided guidance on how to interact with environmental justice communities. They reached out to community members and made sure that they were approached with sensitivity. When they heard about home evictions, they brought in Lone Star Legal Aid. She added that it was important to establish environmental justice staffing and support as part of the Incident Command Centers. She suggested adding environmental justice training for the response support personnel and communicating the need to address environmental justice concerns to the Emergency Operations Centers.

Mr. Kelly explained his personal ordeal of having his family restaurant and home flooded in Port Arthur due to Harvey and trying to rebuild while living in a small trailer. He feels a lot of mistakes were made during Harvey. From the community perspective, the people are the most important thing. In Port Arthur, there was no way people would not be touched by the water. Historically, African Americans have been put in floodplains and other marginalized areas. Lots of African Americans fought hard to get their small lots in Port Arthur. He added that, historically, African American communities were marginalized due to redlining and that while the burden of rebuilding homes is on the homeowners, the homeowners were pushed there. Now people do not have, and are not able to access, sufficient resources to rebuild.

Mr. Kelly explained that key issues during Harvey included insufficient capacity at local shelters, lack of an official evacuation order from the City of Port Arthur, impacts to water quality from sewage, oil and toxic waste spills, insufficient housing for people, and insufficient assistance to help people return and rebuild. He also expressed concern that there have been no health assessments or communications about health assessments. He was also frustrated that even though his community was in a low-lying area, he had never heard of an emergency evacuation plan for the area. He added that the assistance received from the Federal Emergency Management Agency (FEMA) was appreciated but it was not enough. He added that the community is getting ready for another hurricane season but is not prepared.

Mr. Kelly noted that images from Harvey and follow-up efforts are available on his organization's website at [HYPERLINK "http://www.cidainc.org" \h].

Discussion

- *Question:* What are we going to do about rising sea levels?
- *Comment:* We need better planning. There needs to be more communication between communities and agencies, and we need more involvement from local government in emergency planning.
- Mr. Cook (TCEQ) explained that, for the State of Texas after Harvey, there have been three workshops for local governments and county judges to talk about their issues. Mr. Crossland attended the last workshop, which was held at College Station.

- *Comment (Hilton Kelly, CIDA):* There should have been an evacuation plan. Texas is still reeling from the effects of Hurricane Rita when the decision to evacuate did not work. Evacuation must be key, and we must stop putting stuff in the flood zone. *Comment (Kelly Cook, TCEQ):* The order to evacuate comes from the local emergency management official for that county, which is either the county judge or the mayor if it is a large city. TCEQ supports the local emergency management official when they make that decision.
- *Comment (Hilton Kelly, CIDA):* Not all rainwater had impacts. Water was also released from a levee. Port Arthur has a 100-year levee.
- *Question:* Are the temporary trailers coming from Louisiana? *Answer (Hilton Kelly, CIDA):* The trailers provided were all new, not recycled from previous storms.
- *Comment:* A study by the Deep South Center for Environmental Justice found that after natural disasters, a large amount of storm debris is going to landfills in communities of color. *Comment (Kelly Cook, TCEQ):* The debris can go to two areas: temporary debris management sites and landfills that people use every day.
- *Comment (Hilton Kelly, CIDA):* The Port Arthur mayor approved a dump site right across from peoples' homes. Why do that? *Comment (Kelly Cook, TCEQ):* The siting of that facility was somewhat problematic. We keep a list of debris management sites that worked well and those that did not. We identify the sites for debris management before the storm; we are doing this now.
- *Comment:* Human health is getting overwritten by economic development.
- *Comment (Kelly Cook, TCEQ):* Human health comes first. Economic development is involved in everything we do but at what cost? You are right, we will work harder to find a better balance.
- *Question:* Why is the Texas Railroad Commission allowing oil and gas wells in flood zones? The Commission says it is not allowed. It is very smart to avoid putting oil and gas wells in flood zones. *Answer (Kelly Cook, TCEQ):* You are right. We need to be very careful about what we put in a flood zone. I have made a note to take this issue back and talk with my counterparts at the Commission.
- *Comment:* The National Weather Service has added an extra color to indicate extreme precipitation amounts. I am concerned about how climate change is not included on the agenda in this Forum.
- *Comment (Hilton Kelly, CIDA):* We are resilient people in Port Arthur. What we need is to get some agencies together to figure out how to have sustainable economic development. But we need real assistance to help us grow sustainably. Our wetlands have been destroyed by industry. We need support from the U.S. Department of Housing and Urban Development and the U.S. Department of Health and Human Services. We need FEMA back on the ground to help with a property assessment. We need USDOT on the ground. Do not turn the light out on us. Help the Americans that make American strong.
- *Comment (Air Alliance Houston):* We had no help after Harvey regarding smells and noxious odors or potential health impacts. Children are now suffering from increases in upper respiratory diseases. We have school districts calling and asking us what is going on. We have area schools near our office that are calling us and asking about what is going on with the air quality and why children are absent. What is TCEQ going to do? TCEQ Chairman Brian Shaw told the *Houston Chronicle* that he cannot comment because results are still under review. *Answer (Ramiro Garcia, Jr. and Kelly Cook,*

TCEQ): We have had enforcement staff out inspecting facilities. We did shut down the monitors to protect the equipment prior to the storm landing. As soon as we could restart them, we did. We did get lots of complaints about the air quality. We are working with the health department. During Harvey, as soon as we could get into these areas, we had air monitors in the areas, including Manchester. We are also investigating industries.

- *Comment*: I am not hearing about what we can learn from communities. Communities must be part of the conversation about solutions. Will we learn from the experience of Hurricane Harvey? We have to learn from it.

Addressing Odor Complaints Near Industrial Facilities in Louisiana

EPA Region 6 Environmental Justice Liaison for the State of Louisiana Charlotte Runnels introduced panelists Denise Bennett, Deputy Secretary, LDEQ; Greg Langley, Press Secretary, LDEQ; and Keith Adams, President, St. Rose Community One Voice. Panelists discussed efforts of the local group St. Rose Community One Voice and other environmental advocates to initiate odor complaints surrounding the International-Matex Tank Terminal (IMTT) facility and Shell Refinery, monitoring by LDEQ and EPA, and the follow-up actions by IMTT in response.

Ms. Bennett kicked off the panel. She provided an overview of LDEQ's mission and vision and LDEQ's perspective on working with communities living near industrial facilities. She then provided background information on St. Rose and the establishment of a tank farm in St. Rose in 1927. She explained that IMTT/Shell has a refinery in St. Rose. IMTT alone only stores products, including some crude that Shell uses in its refinery process. LDEQ began receiving odor complaints from the St. Rose community in June 2014.

Mr. Adams explained that concerned residents came together as St. Rose Community One Voice. He explained that the group sued and won \$2.5 million from IMTT but that it was Shell's plant causing problems. Shell claims the odor was basically harmless because it was within legal limits.

Ms. Bennett explained that as soon as LDEQ started getting odor complaints, LDEQ responded. There were complaints of odors like rotten eggs. In response, LDEQ and Shell conducted air monitoring. LDEQ also deployed the agency's Mobile Air Monitoring Laboratory.

The monitoring and related investigation showed was that there were no exceedances of the National Ambient Air Quality Standards (NAAQS). However, Ms. Bennett added that addressing noise and odor is always more challenging than just saying you did or did not exceed the standard. It was evident that there was a pungent offensive odor.

To further address the issue, after the investigation by LDEQ, EPA and IMTT, it was determined that the likely source was crude. LDEQ's Mobile Air Monitoring Lab confirmed the odor problem. To address it, Shell discontinued a certain crude feedstock. IMTT also took various steps. The odors went away for a while but came back. LDEQ Secretary Dr. Chuck Carr Brown visited St. Rose and met with Mr. Adams and Shell. LDEQ then worked on getting a community air monitor in St. Rose.

Ms. Bennett noted that this story is documented in LDEQ's Electronic Document Management System (EDMS) (see Agency Interest number 4885). Ms. Bennett added that LDEQ has a hotline called SPOC (single point of contact) and IMTT has a direct 24-hour hotline. If people call IMTT, she recommended also notifying LDEQ at the same time. Mr. Langley added that if people call LDEQ, staff will try and provide a technical answer. Staff cannot comment on the contributor.

Ms. Bennett added that IMTT has organized a Community Advisory Panel and taken several other steps to address the odor issue. Mr. Adams noted his community can communicate with the company and his group has been meeting with the company for the past two years, but IMTT is only helping with monitoring (i.e., paying for the local community air monitor on Addison Street). His group is trying to get the company to track fugitive emissions. Some of the odor may come when transferring crude to/from its tanker on the river.

Discussion

- *Question:* Do you plan to move the community air monitor to another part of the community? *Answer (Denise Bennett, LDEQ):* We are looking at the monitor being there for a few years, but we could investigate how it could be moved.
- *Question:* Thank you for all you are doing with your organizing. We hear a lot about air quality standards for each chemical, and we are always told it is below the standard. I am wondering who sets the air quality for each of these standards? *Answer:* EPA sets the standards through a very technical process, but LDEQ sets the standard for hydrogen sulfide.
- *Comment:* There are many families in Alexandria, Louisiana, that are dealing with different cancers and diseases like sarcoidosis. You say there are no exceedances but so many communities are facing multiple sources of exposure. We have not gotten a handle on the cumulative and synergistic health effects.
- *Comment (Keith Adams, St. Rose Community One Voice):* We should have zero emissions. We have the technology, but companies do not want to spend the money to install these systems.
- *Comment:* I am glad you have an air monitor in St. Rose, but it took too long to get one there. We also need one in Alexandria, Louisiana, and Colfax, Louisiana. We are going to have to get better at air monitoring. The air monitor in St. Rose looks old. *Answer (Denise Bennett, LDEQ):* The monitor looks old but it contains a very high-tech monitoring system. We are working on acquiring two new mobile air monitoring labs. Those will have a lot more flexibility.
- *Comment (Denise Bennett, LDEQ):* Our agency cannot lobby, but people can set up local committees to share their concerns about LDEQ regulations and enforcement actions with the state legislature.
- *Comment (Denise Bennett, LDEQ):* The companies are paying for the monitors because of fines levied against them, but we see that as a good thing.
- *Comment:* As a public citizen, if you are concerned about NAAQS, go to meetings, tell your stories. Regarding the other standards or chemicals regulated by EPA and the state, EPA and the state should monitor and enforce those standards because industry keeps

growing, and the number of automobiles on the highway are increasing; consequently, there are more emissions.

- *Comment:* We see a trend at EPA for lowering standards, but LDEQ is in attainment for all of the NAAQS.
- *Comment:* I have been coming for a long time. We always talk about the result of something happening from a disaster, but we never think about what is causing the disaster. We know that electric cars are feasible, but we choose gas. We must examine ourselves. We must go to our legislature. We must stop these things from happening.
- *Comment (Denise Bennett, LDEQ):* In November-December, LDEQ put out a call for all people interested in attending stakeholder meetings regarding alternative fuels. There is going to be a designated propane corridor. We are looking at alternative fuel chargers.
- *Comment (facilitator):* There are 17 principles of environmental justice. This discussion is about principle 17, which centers on producing as little waste as possible.
- *Comment:* I give tours of the Eagle Ford Shale. Propane is not that clean as part of the process. *Answer (Denise Bennett, LDEQ):* LDEQ does not promote any one type of fuel but we do advocate for having fuel options.
- *Comment (Keith Adams, St. Rose Community One Voice):* Every wastewater treatment plant has digesters that create lots of methane. We can capture that methane and use it to power vehicles. Instead, we are wasting it in our digesters.
- *Comment (Denise Bennett, LDEQ):* The Secretary is committed to different types of fuels. We have a facility in northern Louisiana that purifies wastewater where they do food processing. It is powered by a large solar array.

Wrap Up

Ms. Vaughn thanked the states for putting together the panels. She thanked the EPA regional environmental justice and tribal teams, attendees and Region 6 Administrator Idsal. She also thanked forum facilitator Ms. Miller-Travis.

Administrator Idsal thanked Ms. Vaughn. She mentioned she was glad to have been able to spend a day and a half learning about successes, and how people have been working together and what parties can do better. She added that this is what these events are made for and she looks forward to seeing everyone again at next year's Forum.

TASC Contact Information

Josie Torres
Project Manager
(434) 233-4184
[[HYPERLINK "mailto:jtorres@skeo.com"](mailto:jtorres@skeo.com)]

Task Order Manager/Senior Program Manager
Eric Marsh
817-752-3485
[[HYPERLINK "mailto:emarsh@skeo.com"](mailto:emarsh@skeo.com)]

Skeo Vice President, Director of Finance and Contracts
Briana Branham
434-226-4284
[[HYPERLINK "mailto:bbranham@skeo.com"](mailto:bbranham@skeo.com)]

TASC Quality Control Monitor
Bruce Engelbert
703-953-6675
[[HYPERLINK "mailto:bengelbert@skeo.com"](mailto:bengelbert@skeo.com)]